

1 OPPENHEIM + ZEBRAK, LLP
2 Matthew J. Oppenheim (*pro hac vice*)
3 Corey Miller (*pro hac vice*)
4 Danae Tinelli (*pro hac vice*)
5 4530 Wisconsin Avenue NW, 5th Floor
6 Washington, DC 20016
Telephone: (202) 480-2999
matt@oandzlaw.com
danae@oandzlaw.com
corey@oandzlaw.com

HANSON BRIDGETT LLP
Noel M. Cook, SBN 122777
ncook@hansonbridgett.com
425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
Facsimile: (415) 541-9366

Attorneys for Plaintiffs UMG Recordings, Inc.; Capitol Records, LLC; Concord Bicycle Assets, LLC; CMGI Recorded Music Assets LLC; Sony Music Entertainment; and Arista Music

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

17
18 UMG RERCORDINGS, INC., CAPITOL) Case No.: 3:23-cv-06522-MMC
19 RECORDS, LLC, CONCORD BICYCLE)
20 ASSETS, LLC, CMGI RECORDED MUSIC)
ASSETS LLC, SONY MUSIC)
ENTERTAINMENT, and ARISTA MUSIC)
21 Plaintiff(s),) **PLAINTIFFS' MOTION FOR**
vs.) **EXTENSION OF TIME TO OPPOSE**
22) **DEFENDANTS' MOTIONS TO DISMISS**
23 INTERNET ARCHIVE, BREWSTER)
KAHLE, KAHLE/AUSTIN FOUNDATION,)
GEORGE BLOOD, and GEORGE BLOOD,)
L.P.)
24)
25)
26 Defendant(s).)
27)

Pursuant to Civil Local Rule 6-3 and Section 7 of the Court's Standing Orders, Plaintiffs UMG Recordings, Inc., Capitol Records, LLC, Concord Bicycle Assets, LLC, CMGI Recorded Music Assets LLC, Sony Music Entertainment, and Arista Music ("collectively, "Plaintiffs"), by and through their attorneys, move to extend by fourteen days, from February 9, 2024 to February 23, 2024, the time for Plaintiffs to oppose Defendants Internet Archive, Kahle, Blood, and George Blood L.P.'s Motion to Dismiss, ECF No. 75, Defendants Internet Archive, Kahle, Blood, and George Blood L.P.'s Request for Incorporation of Documents by Reference and for Judicial Notice in Support of Their Motion to Dismiss, ECF No. 76, and Defendant Kahle/Austin Foundation's Motion to Dismiss, ECF No. 78 ("Defendants' Rule 12 Motions").

As explained in detail in the accompanying Declaration of Corey Miller, the contents of which are incorporated by reference in this Motion, Plaintiffs request satisfies Local Rule 6-3's requirements for an order enlarging time. *See Decl. of Corey Miller in Supp. of Pls.' Mot. For Extension of Time to Oppose Defs.' Mots. To Dismiss ("Miller Decl.")*. Plaintiffs need additional time to respond to three motions Defendants have filed. *Id.* ¶ 3. Plaintiffs will suffer prejudice if they have only two weeks to respond to Defendants' Rule 12 Motions, which Defendants have had five months to prepare. *Id.* ¶ 4. Plaintiffs actively sought a stipulation from Defendants to the proposed extension, but Defendants refused, even when Plaintiffs offered reciprocally extend Defendants' time to reply. *Id.* ¶ 5. This is Plaintiffs' first request for an extension of time to file oppositions to Defendants' Rule 12 Motions, and the requested extension will not affect the schedule for the case. *Id.* ¶¶ 6-7.

Accordingly, Plaintiffs have shown good cause, and the Court should grant Plaintiffs' motion for extension of time.

Dated: January 31, 2024

Respectfully submitted,

/s/ Corey Miller

Matthew J. Oppenheim

Corey Miller

Danae Tinelli

OPPENHEIM + ZEBRAK, LLP

Noel M. Cook
HANSON BRIDGETT LLP

Attorneys for Plaintiffs